

## JOINT RESOLUTION

Ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*

3       **SECTION 1. COMPENSATION AND OTHER EMOLUMENTS AT-**  
4                               **TACHED TO THE OFFICE OF SECRETARY OF**  
5                               **THE INTERIOR.**

6       (a) IN GENERAL.—The compensation and other  
7       emoluments attached to the office of Secretary of the Inte-  
8       rior shall be those in effect January 1, 2005, notwith-  
9       standing any increase in such compensation or emolu-  
10      ments after that date under any provision of law, or provi-  
11      sion which has the force and effect of law, that is enacted  
12      or becomes effective during the period beginning at noon  
13      of January 3, 2005, and ending at noon of January 3,  
14      2011.

15      (b) CIVIL ACTION AND APPEAL.—

1           (1) JURISDICTION.—Any person aggrieved by  
2           an action of the Secretary of the Interior may bring  
3           a civil action in the United States District Court for  
4           the District of Columbia to contest the constitu-  
5           tionality of the appointment and continuance in of-  
6           fice of the Secretary of the Interior on the ground  
7           that such appointment and continuance in office is  
8           in violation of article I, section 6, clause 2, of the  
9           Constitution. The United States District Court for  
10          the District of Columbia shall have exclusive juris-  
11          diction over such a civil action, without regard to the  
12          sum or value of the matter in controversy.

13          (2) THREE JUDGE PANEL.—Any claim chal-  
14          lenging the constitutionality of the appointment and  
15          continuance in office of the Secretary of the Interior  
16          on the ground that such appointment and continu-  
17          ance in office is in violation of article I, section 6,  
18          clause 2, of the Constitution, in an action brought  
19          under paragraph (1) shall be heard and determined  
20          by a panel of three judges in accordance with section  
21          2284 of title 28, United States Code. It shall be the  
22          duty of the district court to advance on the docket  
23          and to expedite the disposition of any matter  
24          brought under this subsection.

25          (3) APPEAL.—

1           (A) DIRECT APPEAL TO SUPREME  
 2 COURT.—An appeal may be taken directly to  
 3 the Supreme Court of the United States from  
 4 any interlocutory or final judgment, decree, or  
 5 order upon the validity of the appointment and  
 6 continuance in office of the Secretary of the In-  
 7 terior under article I, section 6, clause 2, of the  
 8 Constitution, entered in any action brought  
 9 under this subsection. Any such appeal shall be  
 10 taken by a notice of appeal filed within 20 days  
 11 after such judgment, decree, or order is en-  
 12 tered.

13           (B) JURISDICTION.—The Supreme Court  
 14 shall, if it has not previously ruled on the ques-  
 15 tion presented by an appeal taken under sub-  
 16 paragraph (A), accept jurisdiction over the ap-  
 17 peal, advance the appeal on the docket, and ex-  
 18 pedite the appeal.

19           (c) EFFECTIVE DATE.—This joint resolution shall  
 20 take effect at 12:00 p.m. on January 20, 2009.

Passed the Senate January 6, 2009.

Attest:

*Secretary.*

11TH CONGRESS  
1ST Session

## **S. J. RES. 3**

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